

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )

v. )

Claudia Lizeth Gutierrez-Reyes, ) Case No. 17-394 MS

a.k.a.: Claudia L. Gutierrez, )

a.k.a.: Claudia Lizet Gutierrez, )

(A092 444 231) )

*Defendant***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 25, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Claudia Lizeth Gutierrez-Reyes, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near San Ysidro, California, on or about February 10, 1999, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA James R. Knapp

☒ Continued on the attached sheet.*Complainant's signature*Gilbert V. Longoria,  
Deportation Officer*Printed name and title*

Sworn to before me and signed in my presence.

Date: September 26, 2017*Judge's signature*City and state: Phoenix, ArizonaMichelle H. Burns,  
United States Magistrate Judge*Printed name and title*

### **STATEMENT OF PROBABLE CAUSE**

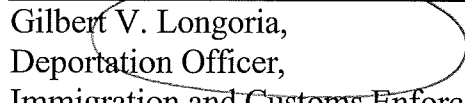
I, Gilbert V. Longoria, being duly sworn, hereby depose and state as follow:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 25, 2017, while following a lead from the Department of Homeland Security tip line, the Phoenix ICE Fugitive Operations Team encountered Claudia Lizeth Gutierrez-Reyes during a traffic stop on Arizona State Route 202 and 32<sup>nd</sup> Street, in Phoenix, Arizona. At the scene, ICE Officer J. Aguirre interviewed Gutierrez-Reyes and determined her to be a citizen of Mexico, illegally present in the United States. On the same date, Gutierrez-Reyes was transported to the Phoenix ICE office for further investigation and processing. Gutierrez-Reyes was held in administrative custody until her criminal and immigration records could be obtained and her identity confirmed.
3. Immigration history checks revealed Claudia Lizeth Gutierrez-Reyes to be a citizen of Mexico and a previously deported criminal alien. Gutierrez-Reyes was removed from the United States to Mexico at or near San Ysidro, California, on or about February 10, 1999, pursuant to an order of removal issued by an immigration judge. There is

no record of Gutierrez-Reyes in any Department of Homeland Security database to suggest that she obtained permission from the Secretary of the Department of Homeland Security to return to the United States after her removal. Gutierrez-Reyes' immigration history was matched to her by electronic fingerprint comparison.

4. Criminal history checks revealed that Claudia Lizeth Gutierrez-Reyes was convicted of two (2) counts of Attempted Molestation of a Child, both felony offenses, on August 21, 1997, in the Superior Court of Arizona, Maricopa County. Gutierrez-Reyes was sentenced to twelve (12) months' house arrest and lifetime probation. Gutierrez-Reyes' criminal history was matched to her by electronic fingerprint comparison.
5. On September 25, 2017, Claudia Lizeth Gutierrez-Reyes was advised of her constitutional rights. Gutierrez-Reyes freely and willingly acknowledged her rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about September 25, 2017, Claudia Lizeth Gutierrez-Reyes, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near San Ysidro, California, on or about February 10, 1999, and not having obtained the express consent of the Secretary of the Department of Homeland

Security to reapply for admission thereto; in violation of Title 8, United States Code,  
Section 1326(a), and enhanced by (b)(1).



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Gilbert V. Longoria,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 26<sup>th</sup> day of September, 2017.



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Michelle H. Burns,  
United States Magistrate Judge